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4 October 1977

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MEMORANDUM FOR: Assistant for Information/DDA
FROM : [REDACTED]
Chief, Information and Privacy Staff
SUBJECT : Response to IG Report

Following are a few informal reactions to the major points of the IG report on FOIA and Privacy:

1. It was strongly repeated throughout the report that there was a need for a centralized record of released information. (IPS Comment - We have all agreed to this in theory and the EAG has already addressed the problem, but there has been no implementation. IPS is going its way with DECAL; DDO is establishing its own index; ISAS is also initiating an index; but there is no evidence of a centralized approach.)
2. The need for better classification guidelines and Agency-wide acceptance of what constitutes an intelligence source or a method. (IPS Comment - Everybody seems to agree this is necessary, but it is a very difficult job, and difficult jobs are often very slow to start.)
3. Push for legislative relief on FOIA deadlines. (IPS Comment - This is just not practical now. The atmosphere in Congress at the present time would not give us the opportunities for change, and such an effort would call more attention to our slow, rather inefficient system.)
4. The report indicates that there will be serious long-range consequences regarding the release of information concerning methodology, organization and personalities resulting over the releases of the past two years. The report indicates there is room within the present exemptions of FOIA/PA for stricter standards. (IPS Comment - I cannot fully agree with this conclusion. Much of this released information was already in the public domain via Congressional investigation and revelations stemming from previous associates, and there is very little legal basis for FOIA/PA denial. I believe the consequences are more a case of our adjustment to the law than that of serious damage.)



5. Many components felt there was insufficient feedback from IPS on previous cases. (IPS Comment - This is a good point. I believe IPS can certainly make their improvements in this area per our MBO for FY 78.)

6. IPS should make a greater effort to narrow the "unreasonable" requests. (IPS Comment - I do believe we can make some progress in this area, but not as much as the components would like. CIA has a low credibility with the public and 60 percent or more of the requesters are CIA adversaries. This has a very dampening effect for successful negotiations on the narrowing of requests. I do believe a better dialogue between the component, IPS and the requester during the processing of some of these requests might enable us to identify the search problem and better build a rapport with the requester and possibly reduce the effort of our search and review. The best defense on "unreasonable" requests has been fees and this is certainly a questionable defense.)

7. The IG Report indicates that a more reasonable time limit provided by the Act would reduce the number of appeals in litigation. (IPS Comment - I do not believe this would be the case. Experience has shown that almost all of the appeals and litigation are directed toward denials and the addition of 20 or 30 extra days would not significantly reduce the appeal and litigation backlog.)

8. The one central theme for a solution that seems to recur throughout the report is that our efficiency and objective to minimize damage would be solved by a central index. I do not believe this would be the case. A central index of declassified or released information would certainly be worthwhile and in the long run essential, but it is not the solution and initially would drain from all resources necessary to simply hold our own. More significantly, a central index would represent a step toward centralization of our FOIA/PA efforts. Therein lies what I believe should be the eventual solution to many of our FOIA/PA problems--that is, a more centralized review process in response to FOIA and PA.

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Attachment:
IG Report

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